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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/534,135	09/26/95	HALEY	N 68529AAPL

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15M1/1119

EXAMINER	
WEINER, L	
ART UNIT	PAPER NUMBER
1507	15

DATE MAILED: 11/19/96

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

# Office Action Summary

Application No.

08/534,135

Applicant(s)

Haley et al.

Examiner

Laura S. Weiner

Group Art Unit

1507



☒ Responsive to communication(s) filed on Sep 26, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Response to Amendment*

1. This application is a CON of US. Serial Number 08/212,434 filed March 14, 1994.

### *Terminal Disclaimer*

2. The application/patent being disclaimed is now improperly identified since the number used to identify the application being disclaimed is now the continuation of application 08/212,434. A new terminal disclaimer is needed for this application 08/534,135.

### *Double Patenting*

3. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 5,372,907.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the haloalkyl-substituted s-triazine can be a latent Bronsted acid.

U.S. Patent No. 5,372,907 claims a radiation-sensitive composition comprising an admixture of (1) a resole resin, (2) a novolac resin, (3) a latent Bronsted acid and (4) an infrared absorber. The claimed invention is claiming a radiation-sensitive composition comprising (1) a resole resin, (2) a novolac resin, (3) a haloalkyl-substituted s-triazine (in

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which the haloalkyl-substituted s-triazine can supply a proton) (a latent Bronsted acid supplies a proton) and (4) an infrared absorber.

4. Claims 1-27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of U.S. Patent No. 5,372,907 in view of Kurata et al. (EPA 0 483 693 A2).

Kurata et al. teaches that haloalkyl-substituted triazines are known to release an acid on exposure and be equivalent to the onium acid releases (latent Bronsted acid) of the U.S. Patent 5,372,907 claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Weiner whose telephone number is (703) 308-4396.

LSW

Laura Weiner

November 7, 1996



GEORGE F. LESWES  
SUPERVISORY PATENT EXAMINER  
GROUP 10